

REMARKS

The Applicants hereby affirm their election of the invention of Group I, claims 1-16 and 31-34. Non-elected claims 17-30 have been canceled. Claims 1, 13 and 31-34 have been amended. New claim 35 has been added.

In ¶ 8 of the office action, claims 31-34 were rejected under 35 U.S.C. § 102(a) and (e) as being clearly anticipated by U.S. Patent No. 6,616,333 to Kinigakis et al. The Applicants traverse this ground of rejection for the following reasons.

Independent claim 31 has been amended to recite that the line of weakness across the header corner extends from a top edge to a side edge of the header. This limitation clearly distinguishes the claimed invention from the teaching of Kinigakis, which shows a straight line of weakness 212 (see Figure 15) that extends from a side edge to an opening 214 in the header and a curved line of weakness 264 (see Figure 22) that extends from a side edge to a horizontal line of weakness 208. In neither case does the line of weakness 212 or 264 extend from the side edge to the top edge of the header. Accordingly, the Applicants submit that amended claim 31 and claims 32-34 dependent thereon are not anticipated by Kinigakis.

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In ¶ 9 of the office action, claims 1, 2, 4, 6-8, 10, 13 and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,786,640 to Schneider et al. The Applicants traverse this ground of rejection for the following reasons.

Claim 1 has been amended to recite that a portion of the second header wall forms a free graspable tab that extends beyond the bounds of the first header wall in a corner of the header, said tab including a portion of a side edge of the second header wall, that side edge of the second header wall extending from a top of the header to a bottom of the receptacle. In contrast, the portion of the header wall behind the opening 50 shown in Figure 7 of Schneider is not a free graspable tab. Nor does the area behind the opening 50 include a portion of the side edge of the header wall. Accordingly, the Applicants respectfully submit that amended claim 1 is not anticipated by Schneider.

In ¶ 10 of the office action, claims 1-4, 6, 11-16, 31 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,442,154 to Hustad et al. The Applicants traverse this ground of rejection for the following reasons.

As previously discussed, claim 1 has been amended to recite that a portion of the second header wall forms a free graspable tab that extends beyond the bounds of the first header wall in a corner of the header, said tab including a portion of a side edge of the second header wall, that side edge of the second header wall extending from a top of the header to a bottom of the receptacle. In contrast, the portion of the header wall behind the cutaway portion 46 shown in Figure 2 of Hustad does not include a portion of the side edge of the header wall. Applicants' claim 13 has been amended in a similar fashion. Accordingly, Applicants respectfully submit that amended claims 1 and 13 are not anticipated by Hustad.

As also previously discussed, claim 31 has been amended to recite that the line of weakness across the header corner extends from a top edge to a side edge of the header. This limitation clearly distinguishes the claimed invention from the teaching of Hustad, which shows a closed-loop perforation line 34 (see Figure 1) that, assuming that strip 18 has been torn away, extends from one point along the top edge of the remaining header portion to another point along the top edge of the remaining header, not from the top edge to the side edge. Accordingly, the Applicants submit that claim 31 is also not

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anticipated by Hustad.

In ¶ 12 the office action, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hustad. The Applicants traverse this ground of rejection for at least the same reasons, set forth above, that claim 1, on which claim 5 depends, is not anticipated by Hustad.

In ¶ 13 the office action, claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hustad. The Applicants traverse this ground of rejection for at least the same reasons, set forth above, that claim 31, on which claim 33 depends, is not anticipated by Hustad.

In ¶ 14 the office action, claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider. The Applicants traverse this ground of rejection for at least the same reasons, set forth above, that claim 1, on which claim 9 depends, is not anticipated by Schneider.

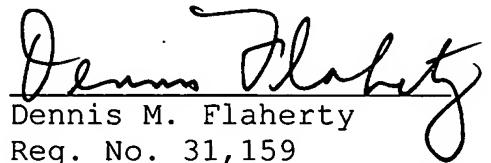
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In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-16 and 31-35 are hereby requested.

Respectfully submitted,

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Date


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